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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/790,260	
	Filing Date	March 02, 2004	
	First Named Inventor	Pascal DESMAZEAU et al.	
	Art Unit	1653	
	Examiner Name	LUKTON, David	
Total Number of Pages in This Submission	4 PGS.	Attorney Docket Number	ST98007 US CNT

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 150px; margin-top: 5px;"></div>
Remarks 1. RESPONSE TO RESTRICTION/ELECTION REQUIREMENT - 3 PGS.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	AVENTIS PHARMACEUTICALS INC.		
Signature	<i>Balaram Gupta</i>		
Printed name	Balaram Gupta		
Date	May 23, 2005	Reg. No.	L0178

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: (USPTO FAX NO. 703-972-9306); Total No. of Pages Transmitted: 4 pgs.			
Signature	<i>Maribel Mendez</i>		
Typed or printed name	Maribel Mendez	Date	May 23, 2005

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MAY 23 2005

# PATENT

Docket No.: ST98007-US-CNT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Pascal Desmazeau, et al.

Examiner: Lukton, David

Art Unit: 1653

Serial No.: 10/790,260

Filed: March 2, 2004

Title: **STREPTOGRAMIN DERIVATIVES,  
PREPARATION METHOD AND  
COMPOSITIONS CONTAINING  
SAME**

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### Response to Restriction/Election Requirement Under 35 U.S.C. § 121

Sir:

This is in response to the Office Action, dated, April 25, 2005, having a response due by, May 25, 2005 in the above-identified patent application. It is respectfully requested that the following provisional election, and the remarks be entered in this case.

#### **PROVISIONAL ELECTION:**

Applicants provisionally elect with traverse the invention Group I, claims 18-30, and 32-34, drawn to compounds, methods of making compounds, and a binary mixture of compounds.

#### **ELECTION OF A COMPOUND WITHIN ELECTED SUB-SPECIES:**

Applicants provisionally elect with traverse a single compound falling within the scope of invention Group I to be 3"-ethoxycarbonyl-2"-aminopyrido [2,3-5γ,5δ]pristinamycin I<sub>B</sub>, which is also described in Example 2 at page 41 of the specification.

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